

HOUSE BILL No. 1518

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-50-1-2.

Synopsis: Crimes of violence. Adds the crimes of: (1) operating while intoxicated causing serious bodily injury; and (2) criminal recklessness causing serious bodily injury; to the definition of "crime of violence". (A person who commits a crime of violence as part of a single episode of criminal conduct may receive a longer sentence.)

Effective: July 1, 2007.

Bell

January 23, 2007, read first time and referred to Committee on Ways and Means.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1518

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-50-1-2, AS AMENDED BY P.L.1-2006,
2 SECTION 549, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) As used in this section,
4 "crime of violence" means:
5 (1) murder (IC 35-42-1-1);
6 (2) attempted murder (IC 35-41-5-1);
7 (3) voluntary manslaughter (IC 35-42-1-3);
8 (4) involuntary manslaughter (IC 35-42-1-4);
9 (5) reckless homicide (IC 35-42-1-5);
10 (6) aggravated battery (IC 35-42-2-1.5);
11 (7) kidnapping (IC 35-42-3-2);
12 (8) rape (IC 35-42-4-1);
13 (9) criminal deviate conduct (IC 35-42-4-2);
14 (10) child molesting (IC 35-42-4-3);
15 (11) sexual misconduct with a minor as a Class A felony under
16 IC 35-42-4-9(a)(2) or a Class B felony under IC 35-42-4-9(b)(2);
17 (12) robbery as a Class A felony or a Class B felony



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(IC 35-42-5-1);

(13) burglary as a Class A felony or a Class B felony (IC 35-43-2-1); ~~or~~

(14) causing death when operating a motor vehicle (IC 9-30-5-5);

(15) causing serious bodily injury when operating a motor vehicle while intoxicated (IC 9-30-5-4); or

(16) criminal recklessness causing serious bodily injury (IC 35-42-2-2(d)(1)).

(b) As used in this section, "episode of criminal conduct" means offenses or a connected series of offenses that are closely related in time, place, and circumstance.

(c) Except as provided in subsection (d) or (e), the court shall determine whether terms of imprisonment shall be served concurrently or consecutively. The court may consider the:

(1) aggravating circumstances in IC 35-38-1-7.1(a); and

(2) mitigating circumstances in IC 35-38-1-7.1(b);

in making a determination under this subsection. The court may order terms of imprisonment to be served consecutively even if the sentences are not imposed at the same time. However, except for crimes of violence, the total of the consecutive terms of imprisonment, exclusive of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10, to which the defendant is sentenced for felony convictions arising out of an episode of criminal conduct shall not exceed the advisory sentence for a felony which is one (1) class of felony higher than the most serious of the felonies for which the person has been convicted.

(d) If, after being arrested for one (1) crime, a person commits another crime:

(1) before the date the person is discharged from probation, parole, or a term of imprisonment imposed for the first crime; or

(2) while the person is released:

(A) upon the person's own recognizance; or

(B) on bond;

the terms of imprisonment for the crimes shall be served consecutively, regardless of the order in which the crimes are tried and sentences are imposed.

(e) If the factfinder determines under IC 35-50-2-11 that a person used a firearm in the commission of the offense for which the person was convicted, the term of imprisonment for the underlying offense and the additional term of imprisonment imposed under IC 35-50-2-11 must be served consecutively.

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